NOTES OF CASES.

THE duty of a county to pay members of a sheriff's *posse comitatus* is denied in *Sears* v. *Gallatin County* (Mont.), 40 L. R. A. 405, in the absence of any statutory provision for their compensation.

THE mixing or mingling of articles of food which are wholesome and nutritious, and the sale thereof, is held, in *Dorsey* v. *State* (Tex.), 40 L. R. A. 201, to be a lawful act which the State cannot make criminal.

FOR an assault with intent to commit rape upon a passenger, by a baggagemaster on a train, it is held, in *Savannah, F. & W. R. Co.* v. *Quo* (Ga.), 40 L. R. A. 483 (29 S. E. 607), that the railroad company is liable.

RECOVERY for injuries occasioned by fright, as to which the authorities are conflicting, was recently allowed in *Mack* v. *South Bound R. Co.* (S. C.), 40 L. R. A. 679, although there was no physical injury sustained except that caused by the fright

THE reasonable use of the streets of a city for the equipment of a telephone system, including poles and wires, is held, in *Magee* v. *Overshiner* (Ind.), 40 L. R. A. 370, to be a lawful use, and not a new and additional servitude for which the abutting owner can claim compensation.

A will giving all testator's property to a woman whom he appoints as one of his executors and afterwards marries is held, in *Ingersoll* v. *Hopkins* (Mass.), 40 L. R. A. 191, not to show on its face that it was made in contemplation of marriage so as to prevent revocation by the marriage.

THE arrest of a street car passenger by a policeman called by the conductor is held, in *Little Rock Traction & E. Co.* v. *Walker* (Ark.), 40 L. R. A. 473, to give no right of action against the street car company, if the conductor's authority extended only to putting the passenger off the car.

A line fence maliciously erected so high as to cut off the light and air from the windows of a neighbor's house is held, in *Letts* v. *Kessler* (Ohio), 40 L. R. A. 177, to be within the exercise of a legal right. A note to the case presents the authorities on the liability for malicious erection of a fence.

PAYMENT of a check after the maker has been declared to be insane, and is so, is held, in *American Trust & B. Co.* v. *Boone* (Ga.), 40 L. R. A. 250, to be at the peril of the bank, although it does not know of the insanity of the drawer, and although the adjudication of insanity was made in another State.

THE hypnotism of an accused person is held in *People* v. *Ebanks* (Cal.), 40 L. R. A. 269, insufficient to render evidence of statements made by him while under

the influence admissible in his favor at his trial. With this case is a note collecting the judicial decisions, and also the opinions of the writers on the subject, concerning hypnotism.

PROSECUTION under a municipal ordinance is held, in *Ex parte Fagg* (Tex.), 40 L. R. A. 212, to be only *quasi criminal* whatever the form of the procedure, and it is held that an ordinance cannot make it an offense against the city to do what is already an offense against the State under a statute and triable only in a court of record, where the constitution requires all prosecutions to be in the name of the State and by the authority of the State.

LIENS OF JUDGMENTS OF THE FEDERAL COURTS.—In *Rock Island, &c. Bank* v. *Thompson*, 50 N. E. 1089, the Supreme Court of Illinois holds that under the Illinois statute declaring that a judgment shall be a lien on real estate "situated within the county for which the court is held," a judgment of a Federal court in that State extends not only to lands in the "county" in which the court sits, but in the "district" over which the Federal court has jurisdiction. *Williams* v. *Benedict*, 8 How. 107; *Brown* v. *Pierce*, 7 Wall. 205, 217; *Cropsey* v. *Crandall*, 2 Blatchf. 341; *U. S.* v. *Scott*, 3 Woods, 334; *Carroll* v. *Watkins*, 1 Abb. 474; *Shrew* v. *Jones*, 2 McLean, 78; *Bank* v. *Bates*, 44 Fed. 546; 1 Black on Judg. 415; Freeman on Judg. 405.

The case arose before the Act of Congress of August 1, 1888, regulating the lien of such judgments. 25 U. S. Stat. 357. By this statute such liens are required to be docketed according to the State laws, if the latter require the judgments of State courts to be so docketed, and if, further, the State laws make provision for the docketing of Federal judgments.

In Virginia provision is now made for the docketing of judgments and decrees rendered by the Federal courts. Acts 1889–90, p. 22.

IGNORANCE OF THE LAW.—The Supreme Court of Georgia, in *Ryan* v. *State*, 30 S. E. 678, adopts the more modern and more sensible view that the maxim *ignorantia legis neminem excusat* does not import that every man is bound to know the law under all circumstances. The maxim simply means what it asserts, that ignorance of the law does not *excuse*. That is, one who has committed a wrong or incurred a liability, civil or criminal, cannot ordinarily plead his ignorance of the law in justification or excuse. "God forbid," said Abbott, C. J., in 2 C. & P. 113, 116, "that it should be imagined that an attorney, or a counsel, or even a judge, is bound to know all the law."

In the Georgia case referred to, the wife of one who had been arrested for crime was approached by the prosecutor, who offered to have her husband released upon payment to him of a sum of money. Ignorantly relying upon this agreement, she paid him the stipulated amount. The husband was subsequently convicted of the crime with which he stood charged, and sentenced to imprisonment. Thereupon the wife swore out a criminal warrant against the prosecutor charging him with being a common cheat and swindler. The latter defended on the ground that the wife was held as a matter of law to know that he had no authority to release her accused husband, and hence there was, in law, no deception—since one cannot be deceived by a representation which he knows to be false.